

### **REMARKS/ARGUMENTS**

Claims 1 – 5, 7 – 10, 26, and 27 have been rejected under 35 U.S.C § 103(a) as being unpatentable over the combination of U.S. Patent No. 6,585,842 to Bompard et al. and U.S. Patent No. 5,439,627 to De Jager.

Claim 1 has been amended to recite that the batting board has a density between 5 and 24 lbs/ft<sup>3</sup>. The recited density was previously present in Claim 9. Claim 9 has been amended to recite that the batting board has a density between 8 and 12 lbs/ft<sup>3</sup>.

A batting board having a density between 5 and 24 lbs/ft<sup>3</sup> is neither taught nor suggested by the cited references. In order to maintain a rejection under § 103(a), the combination of the references must teach the claimed invention. Here, the references fail to teach a batting board having a density between 5 and 24 lbs/ft<sup>3</sup>. Accordingly, Claim 1 and any claims dependent thereon are patentable over the cited references.

The Examiner alleges that De Jager states the composite material of De Jager can have any desired density and therefore it would be obvious to produce a batting board having the recited density range. This assertion is factually and legally incorrect. First, in order to establish obviousness, the cited references must teach or suggest each and every claim limitation. Here, neither De Jager nor Bompard teach any density range whatsoever, let alone the recited density range. Thus, there is nothing in the cited references that suggest the claimed density range.

Second, there must be some suggestion that would lead one to modify the references as suggested by the Examiner. A broad and nebulous statement that the density can have any desired range provides no basis for selecting any particular density, let alone a density between 5 and 24 lbs/ft<sup>3</sup>. The Examiner has failed to provide any reasonable basis for why one of ordinary skill in the art would be motivated to modify Bompard to have the recited density range.

Further, the Examiner relies on Bompard for the teachings of a composite sheet material and merely cites De Jager for the teaching of a particular binder agent. Thus, a statement in De Jager that its composite material can have any desired density is immaterial with respect to the density of the composite described in Bompard, which has a completely different structure than the composite sheet described in De Jager.

There are no teachings in De Jager or Bompard that their composite sheets would have the recited density range. Both De Jager and Bompard describe composite materials that are structurally different from each other and the claimed batting board. For example, Bompard teaches a composite sheet material comprising filaments that are arranged in tows having from 12K to 480K filaments in each tow. See column 4, lines 41- 47. Bompard also teaches that the tows are “relatively heavy”. See column 5, lines 16 – 17. Although, the Examples are generally directed carbon fiber tows, it is readily apparent that Bompard teaches a composite sheet that is relatively dense and heavy. For example, typical carbon fiber tows, such as those available from Toray or Hexcel, have a density of about 1.80 g/cm<sup>3</sup> (112 lbs./ft<sup>3</sup>). Even assuming 50% of the composite sheet comprises binder, the density is still significantly higher than the recited density range. Additionally, Applicants have previously pointed out that De Jager describes a composite wherein the fibers are spaced apart from each other by particles, which would result in a large amount of void space between the fibers. Thus, De Jager also teaches a composite sheet having a structure that is different than the claimed structure. Accordingly, there is no reason to believe that the composite materials described in Bompard or De Jager would have the recited density range. Indeed, it is more reasonable to assume that the composites of Bompard and De Jager would have densities outside the recited range. It is clear from the teachings in the cited references that density is not a consideration in forming their respective composites. Thus, there is no reasonable basis to support the conclusion that the cited references teach or suggest the claimed density range.

In view of the foregoing amendments and remarks, it is respectfully submitted that the rejections under 35 U.S.C. § 103 have been overcome.

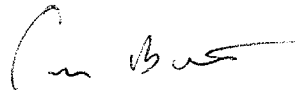
### **Conclusion**

In view of the amendments and remarks made above, Applicant submits that the pending claims are in condition for allowance. Applicant respectfully requests that the claims be allowed to issue. If the Examiner wishes to discuss the application or the comments herein, the Examiner is urged to contact the undersigned attorney by telephone at 704-444-1185 to expedite prosecution of this application.

Appl. No.: 10/676,506  
Amdt. dated 10/02/2006  
Reply to Office action of 08/04/2006

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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